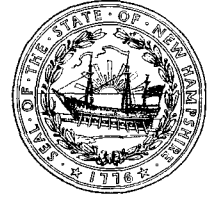




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 3, 2006

Mr. Jonathan Dufour
General Manager
Tyco Integrated Cable Systems, Inc.
P.O. Box 479
Portsmouth, New Hampshire 03802-0479

CERTIFIED MAIL (7099 3400 0018 1290 6634)
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION
(Sta.S)

RE: Tyco Integrated Cable Systems, Inc.
2073 Woodbury Avenue, Newington, NH

Dear Mr. Dufour:

On December 14, 2004, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") conducted a compliance inspection at Tyco Integrated Cable Systems, Inc. ("Tyco") located at 2073 Woodbury Avenue in Newington, New Hampshire. The purpose of the inspection was to determine Tyco's compliance with NH Administrative Rules Env-A 100 *et seq.*, Title 40 of the Code of Federal Regulations ("CFR"), and State Permit to Operate FP-S-0179 ("the Permit") issued February 6, 2002. The purpose of this letter is to notify you of the violations discovered during the inspection. The specific violations are as follows:

1. Condition X.C. *Additional Reporting Requirements* of the Permit and 40 CFR Part 60, Subpart Dc, 60.48c, *Reporting and recordkeeping requirements*; require Tyco to submit semi-annual reports on fuel sulfur content. At the time of the DES inspection, Tyco was unable to produce the required Fuel Certification Reports for calendar years 2000 through 2004 (the "Reports"). On July 20, 2005, Tyco submitted the Reports for 2003, 2004 and January through June 2005. On November 18, 2005, Tyco submitted the Reports for calendar years 2000, 2001 and 2002.
2. Condition VIII. *Subpart GG Turbine Fuel Monitoring Requirements* of the Permit and 40 CFR Part 60, Subpart GG, 60.334, *Monitoring of operations*, require the owner or operator of any stationary gas turbine to monitor the nitrogen and sulfur content of natural gas combusted in the turbine. EPA granted approval to DES to allow sources to implement custom fuel monitoring requirements for Subpart GG. In a letter dated December 7, 2001, Tyco requested that DES prepare a custom fuel monitoring schedule. This monitoring schedule was incorporated into the Permit as Condition VIII. During the DES inspection, Tyco indicated that no sulfur monitoring or testing had been done and was therefore not in compliance with Condition VIII of the Permit. However, on January 18, 2005, Tyco did submit a report indicating that the sulfur content of the pipeline natural gas used at the facility is well below the limit in Subpart GG and that Tyco has not operated the turbine since November 2003. Further, 40 CFR 60.334(h)(3) was amended on July 8, 2004, and no longer requires a source to monitor the total sulfur content of pipeline natural gas. Therefore, Tyco has requested that DES revise Condition VIII of the Permit.

Please be reminded that in accordance with Env-A 608.02 (b) *Timely Application*, an application to renew a State Permit to Operate is due to DES 90 days prior to the expiration date of the existing permit. The Permit expires on February 28, 2007.

DES recognizes the efforts that Tyco has taken to come into compliance. Accordingly, no further action in response to the listed violations is required. DES requests that Tyco comply with all future obligations contained in the Permit. In the event that other violations are identified or if Tyco fails to comply with all applicable requirements in the future, DES may take action against Tyco, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Barbara Hoffman at (603) 271-7874, Air Resources Division, Compliance Bureau. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.nh.gov/rules/air.htm> or by contacting the DES Public Information Center at (603) 271-2975.

Sincerely,

A handwritten signature in black ink is written over the word "COPY", which is printed in large, bold, outlined capital letters. The signature appears to be "P. Monroe" with a long horizontal flourish extending to the right.

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/asb

cc: R. Kurowski, EPA Region 1
G. Hamel, NHDES Legal Unit Administrator
Cocmas Iocovozzi, Newington Chairman of Selectmen
AFS #3301500006